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WASHINGTON, D.C. 20544

December 29, 2000

**MEMORANDUM TO: JUDGES, UNITED STATES COURTS
CLERKS, UNITED STATES COURTS**

SUBJECT: Federal Courts Improvement Act of 2000 (INFORMATION)

I am writing to inform you of the enactment of the Federal Courts Improvement Act (the Act) of 2000, P.L. 106-518 (Nov. 13, 2000; 114 Stat. 2410) which included provisions that affect the miscellaneous fee schedules for the appellate, district and bankruptcy courts, and the Court of Federal Claims. The President signed this legislation on November 13, 2000.

In September of 1996, the Judicial Conference approved increasing certain miscellaneous fees to account for inflationary increases since the fees were last adjusted, provided that legislation was enacted to permit the judiciary to retain the resulting increased amounts. Most of the specified fees were last increased for inflation in 1987. The Act provides that, starting in fiscal year 2001, any portion of the miscellaneous fees collected as prescribed by the Judicial Conference under 28 U.S.C. §§ 1913, 1914(b), 1926(a), and 1930(b) that exceeds the amount of such fees in effect on September 30, 2000, will be deposited in the special fund for the judiciary. Because the requisite legislation allowing the judiciary to retain such increases has been enacted, the inflationary increases can now be implemented in the miscellaneous fee schedules. Many of these increased fees are common to all the court units, and two of the fee changes are applicable to the Court of Federal Claims. A chart detailing the distribution and fund number information for the new fee amounts for each court unit is set forth as Attachment 1.

In addition, section 209 of the Act made a technical correction to the Commerce, State, Justice and the Judiciary Appropriations Act of 1990 (P.L. 101-162, 103 Stat. 1016, 28 U.S.C. § 1931 note) to address the current method of crediting funds collected under the Bankruptcy Court Miscellaneous Fee Schedule. Due to this technical correction, the Bankruptcy Court Miscellaneous Fee Schedule will also be revised to remove references to repealed fees and to renumbered fees with subparts. The District Court Miscellaneous Fee Schedules will also be renumbered to remove reference to a repealed fee. All changes discussed in this memorandum will be effective February 1, 2001.

Copies of the revised fee schedules are also attached. Any questions on this memorandum may be addressed to Mary Louise Mitterhoff or Mary Fritsche, Attorneys, Office of Court Programs, 202/502-1540.

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham".

Leonidas Ralph Mecham

Attachments

cc: Circuit Executives
District Court Executives

Fee Changes
Attachment 1

<i>DISTRICT COURTS FEES (cont.)</i>	<i>NEW FEE TOTAL (effective 02/01/01)</i>	<i>FUND DISTRIBUTION</i>	<i>FUND NUMBER</i>	<i>FUND DISTRIBUTION</i>	<i>FUND NUMBER</i>
Returned check	35	25	322360	10	510000
Filing or Indexing a Miscellaneous Paper	30	20	086900	10	510000
<i>BANKRUPTCY COURTS FEES</i>	<i>NEW FEE TOTAL (effective 02/01/01)</i>	<i>FUND DISTRIBUTION</i>	<i>FUND NUMBER</i>	<i>FUND DISTRIBUTION</i>	<i>FUND NUMBER</i>
Tape Duplication	\$20	\$15	322350	\$ 5	510000
Microfilm/Microfiche of court record	4	3	322350	1	510000
Search of Records	20	15	322360	5	510000
Certification	7	5	322360	2	510000
Exemplifications	14	10	322360	4	510000
Returned check	35	25	322360	10	510000
Filing or Indexing a Miscellaneous Paper	30	20	086900	10	510000

Bankruptcy Court Miscellaneous Fee Schedule*

Following are fees to be charged for services to be performed by clerks of the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 5, and 23, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

- (1) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$7. For exemplification of any document or paper, twice the amount of the charge for certification.
- (3) For reproduction of magnetic tape recordings, either cassette or reel-to-reel, \$20 including the cost of materials.
- (4) For amendments to a debtor's schedules of creditors or lists of creditors, \$20 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case.
- (5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$20 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (6) For filing a complaint, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

* Issued in accordance with 28 U.S.C. § 1930(b).

- (7) For filing or indexing any paper not in a case or proceeding for which a filing fee has been paid, including registering a judgment from another district, \$30.
- (8) In all cases filed under title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$30. This fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.
- (9) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).
- (10) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.
- (11) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.
- (12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$4.
- (13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$25.
- (14) For a check paid into the court which is returned for lack of funds, \$35.
- (15) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b), the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are

required to pay only one fee.

- (16) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304, \$500.
- (17) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (18) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (19) When a joint case filed under § 302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to one-half the current filing fee for the chapter under which the joint case was commenced.
- (20) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), a fee shall be collected in the amount of one-half the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (21) For docketing a cross appeal from a bankruptcy court determination, the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule.
- (22) For usage of electronic access to court data: \$.60 per minute of usage via dial up service, and \$.07 per page for public users obtaining information through a federal judiciary Internet site [provided the court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Information Technology Fund. These fees shall apply to the United States. (The Judicial Conference has approved an advisory note clarifying the judiciary's policy with respect to exemptions from the fees for usage of electronic access to court data. This advisory note is attached to this Fee Schedule as Appendix I. The Conference has also approved an advisory note defining information that may be provided to the public at no cost. This advisory note is attached at Appendix II.)

APPENDIX I

The Judicial Conference has prescribed fees for electronic access to court data, as set forth above in the Miscellaneous Fee Schedule. The schedule provides that the court may exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information.

Exemptions should be granted as the exception, not the rule. The exemption language is intended to accommodate those users who might otherwise not have access to the information in this electronic form. It is not intended to provide a means by which a court would exempt all users.

Examples of persons and classes of persons who may be exempted from electronic public access fees include, but are not limited to: indigents; bankruptcy case trustees; not-for-profit organizations; and voluntary ADR neutrals.

APPENDIX II

a. The Judicial Conference has prescribed a fee for access to court data obtained electronically from the public records of individual cases in the court, including filed documents and the docket sheet, except as provided below.

b. Courts may provide other local court information at no cost. Examples of information which can be provided at no cost include: local rules, court forms, news items, court calendars, opinions designated by the court for publication, and other information - such as court hours, court location, telephone listings - determined locally to benefit the public and the court.